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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,
v.

NATHAN G. RICHARDS,

Defendant.

Case No. 2:22-CR-00052-TOR (4)

**DEFENDANT'S SENTENCING
MEMORANDUM**

Defendant, Nathan G. Richards, by and through his counsel, Curran C. Dempsey, submits the following sentencing memorandum. Mr. Richards respectfully requests a sentence of time served. The government has also recommended a sentence of time served. (ECF 244)

Procedural Background

On August 15, 2023, Mr. Richards pled guilty to one count of the superseding indictment, which charged Possession of Stolen Ammunition, in violation of 18 U.S.C. §§ 922(j), 924 (a)(2). (ECF 241 at 4; PSIR at ¶4) Sentencing is currently scheduled for November 18, 2023.

Evidence

Mr. Richards admitted to Count 2 of the superseding indictment in open court. (ECF 241 at 4, PSIR at ¶4)

Adjusted Offense Level Computations

The plea agreement provides that the base offense level is 12. (ECF 241 at 4; PSIR at ¶5). Mr. Richards receives a two-level reduction for acceptance of responsibility. (ECF 241 at 13, PSIR at ¶75) Mr. Richards did not receive any criminal history points, under Chapter Four, Part A, which results in a two-level reduction under USSG §4C1.1. (ECF 241 at 13, PSIR at ¶74) The final Total Offense level is 8. (ECF 241 at 12-13; PSIR at ¶¶67-76). The sentencing guideline range is 0-6 months. (ECF 241 at 19; PSIR at ¶114) A sentence of imprisonment is not required under USSG 5C1.1(b). (ECF 241 at 19; PSIR at ¶114) Moreover, a sentence other than imprisonment is generally appropriate in such cases. (ECF 241 at 19; PSIR at ¶115) The government has recommended a sentence of time served, a fine of \$ 2,000.00, and a three (3) year term of supervised relief. (ECF 244 at 1)

Sentencing

In devising a sentence that satisfied the “overarching provision instructing sentencing courts to ‘impose a sentence that is sufficient but not greater than necessary’ to accomplish the goals of sentencing,” *United States v. Kimbrough*, 552 U.S. 85, 101 (2007). Judges “may vary [from Guideline ranges] based solely on policy considerations, including disagreements with the Guidelines,” and when they do, the courts of appeal may not grant greater fact-finding leeway [to the Commission] than to [the] district court judge. *Kimbrough*, 552 U.S. at 100-02.

18 U.S.C. § 3553(a) Factors

The nature and circumstances of the offense/history and characteristics of the defendant show cause for a sentence of time served.

The alleged offense of possession of stolen ammunition is serious.

16 However, other than the instant offense, Mr. Richards has never been charged with
17 a crime. Mr. Richards is not involved in any gang activity, nor is he a known gang
18 member. Mr. Richards is not a leader/organizer. Mr. Richards is not a racist, and
19 counts many people of color among his best friends and colleagues, particularly in
20 the military echelons.
21

22 Mr. Richards is viewed as an individual who is loved, supported and
23 respected by his family, friends and co-workers. Mr. Richards has many fine
24 qualities, including intelligence, hard work ethic, big heart, and above all, extreme

1 loyalty. Mr. Richards' military career is one of honor, achievement and awards
2 (ECF 241 at 17-18; PSIR at ¶¶105-109)
3

4 **A sentence of time served protects the public and is adequate deterrence.**

5 At what point does incarceration have a deterrent effect? Mr. Richards
6 submits that a sentence of time served is a powerful deterrent. As a direct
7 consequence of this case, Mr. Richards's service to his country was cut short, and
8 this unfortunate matter will forever be a stain upon his military career. It was also
9 Mr. Richards' intention to go into law enforcement after his military service, but
10 this conviction most likely precludes that career choice.
11

12 A sentence of time served is more than adequate as deterrence to future
13 criminal conduct, protect the public, promote respect for the law, as well as
14 provide just punishment. The requested sentence will achieve retributive justice,
15 and is sufficient, but not greater than necessary, to satisfy the purposes of
16 punishment.
17

18 Finally, other sections of 18 U.S.C. § 3553 that have not been specifically
19 discussed should also be considered by the Court in making its determination, in so
20 far as they are relevant.
21

CONCLUSION

Mr. Richards respectfully requests a sentence of time served. Mr. Richards accepts the government's recommendation for a fine of \$ 2,000.00, and a 3-year term of supervised release.

RESPECTFULLY SUBMITTED this 8th day of November, 2023.

CURRAN C. DEMPSEY, PLLC

/s/ Curran C. Dempsey
CURRAN C. DEMPSEY, WSB# 24084
Attorney for Defendant, Nathan G. Richards

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2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that on November 8, 2023, I electronically filed the
5 foregoing with the Clerk of the Court using the CM/ECF System which will send
6 notification of such filing to the following: Patrick J. Cashman, Assistant United
7 States Attorney.

8 _____
9 /s/ Curran C. Dempsey
10 _____
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